IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITIION NO. 936 OF 2006

Vimalendra Pal Singh Bhadauria .. Petitioner.

vs.

State of Maharashtra

& Ors. .. Respondents.

Shri Peter Lobo for petitioner.

Smt. S.D. Shinde, APP., for State.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 16th October, 2006.

(IN CHAMBER AT 3.00 P.M.)

P.C.

. The father of the petitioner is present.

2. Heard.

3. This petition can be disposed of at the stage of admission itself. We have held the proceedings in chamber and on two occasions made an attempt to bring about a reconciliation between the parties but it appears that it is not possible.

4. In so far as the reliefs sought in the petition relating to matrimonial matters, access to son Aditya and his welfare and all related matters are concerned, the parties can very well apply to the Family Court.

5. The learned counsel for the petitioner, after seeking instructions from petitioner, who is personally present before the court, submits that without prejudice to his rights the petitioner will deposit a sum of Rs. 5,000/- per month on or before 10th of each succeeding month in the Family Court towards maintenance of his wife and child from Nov. 06 onwards.

6. In so far as the criminal prosecution is concerned, the learned APP, after seeking instructions from the Investigating Officer, who is also personally present before this Court, states that the investigation is over except for filing charge sheet. On the last occasion i.e. on 22.9.2006 this Court has passed an order that in the event petitioner is arrested for having committed offence under section 315 of the Indian Penal Code in Criminal Case ACR No. 31 of 2006 dated 8.4.2006, he shall be released on P.R. Bond of Rs. 5,000/- The Investigating Officer is directed that he should formally arrest the petitioner and release him on obtaining PR bond of Rs. 5,000/-. This is

particularly so that we have not insisted for a surety bond because the petitioner is a Central Govt. servant and his personal bond is sufficient to secure his presence. The I.O. can intimate the petitioner the date on which he will be filing the charge sheet so that the petitioner can personally remain present in the Court and the learned Magistrate in whose Court the charge sheet is filed is directed to obtain fresh bond from the petitioner on the aforesaid terms and conditions.

7. In our view for the present, there is no chance of reconciliation as the parties could not agree to terms and conditions on the basis of which reconciliation of all the disputes in matrimonial as well as criminal case can be settled. We grant liberty to the parties that in the event they arrive at an amicable settlement, they can approach the Family Court and amicably settle the matter by resorting to appropriate proceedings and even settle the criminal case. The petition stands disposed of accordingly.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)